

Jonathan Marks
6/23/2022

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF OKLAHOMA

3 THOMAS H. BATES,
4 Plaintiff,

5 VS.

Case Number
CIV-21-705-JD

6 STATE FARM FIRE AND CASUALTY
7 COMPANY,
8 Defendant.

CERTIFIED COPY

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10 * * * * *

11 DEPOSITION OF JONATHAN MARKS
12 TAKEN ON BEHALF OF THE DEFENDANT
13 IN OKLAHOMA CITY, OKLAHOMA
ON JUNE 23, 2022
COMMENCING AT 9:00 A.M.

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22 INSTASCRIP, LLC
125 PARK AVENUE, SUITE LL
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25 Reported by: Cheryl D. Rylant, CSR, RPR

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1 pay for it. Tresa called me back after she
2 forwarded photos and said Jacqueline indeed
3 said the damage is wear and tear."

4 Did I read that right?

5 A. You did read that right.

6 Q. And I think I left off:

7 "Thanked Tresa for following up and
8 said we will be in touch."

9 Right?

10 A. Yeah. I kept it very professional.

11 Q. Well, when did Tresa tell you that she
12 thought that this was hail damage to the roof?

13 A. So, we were on the roof looking at stuff and
14 she, you know, just said basically -- she had
15 already -- I think that's what it was. When we first
16 drove up, she had said that she didn't see any hail
17 or wasn't going to pay for hail or something like
18 that. And I said, "Well, then let's look at it
19 together." And so we did.

20 And somewhere along the line, I said, "Well,
21 what are you looking for? What exactly are you
22 looking for?"

23 She said, "I'm looking for a hail impact that
24 breaks the" -- and I don't know if she used the word
25 "break," but she did reference penetrate, break,

1 split, crack, something the mat of the shingle.

2 And I immediately went over to a hail impact,

3 one of hundreds, and pulled up a shingle where there

4 was an obvious break in the mat and I showed it to

5 her. And I said, "Do you mean like this?" Those

6 were my exact words. I do remember that distinctly

7 because I also remember her exact response and it

8 was, "That might be hail."

9 Q. Okay. Did you have to break the seal to look
10 at the shingle?

11 A. No.

12 Q. It was already broken?

13 A. Yes.

14 Q. Did you read any of the depositions that have
15 been given in the case?

16 A. No.

17 Q. So, you've not read Mrs. Jacome's deposition?

18 A. No.

19 Q. Were you aware that she testified that she
20 told you she thought what she was seeing was wear and
21 tear?

22 A. I was not aware that she said that in her
23 deposition.

24 Q. Have you seen the text messages that she sent
25 to Jacqueline Draper the same day she inspected with